

EXHIBIT “A”



CORPORATION SERVICE COMPANY®

Notice of Service of Process

null / ALL
Transmittal Number: 16523109
Date Processed: 04/18/2017

Primary Contact: Bruce Buttaro
Liberty Mutual Insurance Company
175 Berkeley Street
Boston, MA 02116

Entity:	Liberty County Mutual Insurance Company Entity ID Number 2559620
Entity Served:	Liberty County Mutual Insurance Company
Title of Action:	Deanna Britt vs. Liberty County Mutual Insurance Company
Document(s) Type:	Citation/Petition
Nature of Action:	Contract
Court/Agency:	Bastrop County District Court, Texas
Case/Reference No:	514-335
Jurisdiction Served:	Texas
Date Served on CSC:	04/18/2017
Answer or Appearance Due:	10:00 am Monday next following the expiration of 20 days after service
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Jon Michael Smith 512-371-1006

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscglobal.com

**CITATION
CAUSE#514-335**

CLERK OF THE COURT

Sarah Loucks, District Clerk
P.O. Box 770
804 Pecan Street
Annex Building, First Floor
Bastrop, TX 78602

DELIVERED: 4/18/17
by: GC
Assured Civil Process Agency

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

To: Liberty County Mutual Insurance Company
By and Through Registered Agent,
Corporation Service Company
211 E. 7th Street, Ste. 620
Austin, TX. 78701-3218, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the Petition of Petitioner at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 335th District Court of Texas, at the courthouse in BASTROP, Texas.

A copy of the Petition of the Petitioner accompanies this citation, in cause number 514-335 styled:

DEANNA BRITT and CLAY BRITT

v.

LIBERTY COUNTY MUTUAL INSURANCE COMPANY

filed in said court on the on this the 13th day of April, 2017

Petitioner is represented by:

JON MICHAEL SMITH
3305 NORTHLAND DR., STE. 500
AUSTIN, TX. 78731



ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office in Bastrop, Texas,
this the 13th day of April, 2017

Sarah Loucks
District Clerk, Bastrop County
P.O. Box 770
Bastrop, Texas 78602
By: [Signature] Deputy

() IF CHECKED, ATTACHED TO THIS CITATION IS DISCOVERY NOT FILED WITH CLERK PURSUANT TO TRCP 191.4

Cause: 514-335

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

Defendant: Liberty County Mutual Insurance Company
 By and Through Registered Agent,
 Corporation Service Company
 211 E. 7th Street, Ste. 620
 Austin, TX. 78701-3218

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock _____.m.,
 and executed in _____ County, Texas by delivering to each of the within named
 defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the
 accompanying copy of the plaintiff's petition, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant

***Rule 107 Verification:** Subscribed and sworn to by the above named _____
 before me this the _____ day of _____, 20____, to certify which witness my hand and seal of
 office.

Person Administering Oath

No. 514-335DEANNA BRITT and CLAY BRITT,
Plaintiffs

v.

LIBERTY COUNTY MUTUAL
INSURANCE COMPANY,
Defendant§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

BASTROP COUNTY, TEXAS

335th JUDICIAL DISTRICT**Plaintiff's Original Petition**

TO THE HONORABLE COURT:

Deanna Britt and Clay Britt, Plaintiffs, respectfully file this original petition complaining of Liberty County Mutual Insurance Company, ("Liberty Mutual") and would show:

I. Discovery Control Plan, Level 2

Pursuant to Texas Rule of Civil Procedure 190.3, this case is governed by Discovery Control Plan, Level 2.

II. Nature of the Case

The Britts' claim arises from Liberty Mutual's wrongful denial of a homeowners insurance fire claim. Pursuant to Texas Rule of Civil Procedure 47, Plaintiffs state that they seek damages within the jurisdictional limits of this court, specifically monetary relief over \$200,000.00 but not more than \$1,000,000.00.

III. Parties

Plaintiffs are individuals residing in Bastrop County, Texas.

Defendant, Liberty County Mutual Insurance Company, is a domestic insurance company authorized to do business in Texas and may be served with citation by and through its registered

agent, Corporation Service Company, 211 E. 7th Street, Ste. 620, Austin, Texas 78701-3218.

IV. Venue

Venue is proper in Bastrop County because all or a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Bastrop County. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1).

V. Conditions Precedent

All conditions precedent to recovery have been met or have occurred.

VI. Facts of the Case

Plaintiffs own the house at 104 Wood Duck Lane, Paige, Texas. They insured it with Liberty Mutual. On or about July 22, 2016, the house was damaged by fire. Plaintiffs submitted the claim to Liberty Mutual in a timely fashion and Liberty Mutual denied it by letter dated December 9, 2016.

VII. First Cause of Action: Breach of Contract

Defendants' actions amount to a breach of contract between Plaintiffs and Liberty Mutual. The Britts applied for and were accepted for insurance coverage by Defendant. They paid the required premiums, entering into a binding contract for insurance with Liberty Mutual. Liberty Mutual breached the contract by denying Plaintiffs' claim for insurance coverage. Plaintiffs are entitled to recover their actual damages, court costs and reasonable and necessary attorney's fees pursuant to Texas Civil Practice & Remedies Code, Section 38.001, et seq.

VIII. Second Cause of Action: Texas Insurance Code Sections 542.051-061

Defendants' actions also amount to a violation of Texas Insurance Code, Sections 542.051-061. As such, Plaintiffs are entitled to 18% per annum in addition to the amount of their claim, plus attorneys' fees.

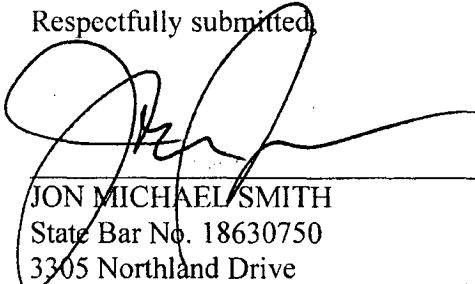
IX. Jury Demand

Plaintiffs have requested that this case be decided by a jury as allowed by Tex. R. Civ. P. 216. The appropriate jury fee has been paid.

X. Prayer

Plaintiffs pray that upon final trial of this case they have judgment against Defendant for actual damages, reasonable and necessary attorney's fees, pre-judgment and post-judgment interest, and such other relief to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,



JON MICHAEL SMITH
State Bar No. 18630750
3305 Northland Drive
Suite 500
Austin, Texas 78731
512/371-1006
512/476-6685 fax
Email: Jon@jonmichaelsmith.com

Jon Michael Smith

Attorney

3305 Northland Drive

Suite 500

Austin, Texas 78731

512.371.1006

512.476.6685 (fax)

514-335

www.jonmichaelsmith.com

jon@jonmichaelsmith.com

April 13, 2017

Via: E-filing

Sarah Loucks

District Clerk

804 Pecan Street

Bastrop, Texas 78602

RE: Deanna and Clay Britt v. Liberty County Mutual Insurance Company

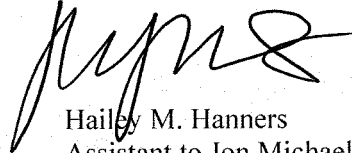
Dear Clerk:

Along with this letter please find attached the civil case information sheet for the above referenced matter. An Original Petition was filed earlier today. I am including \$11.00 for the citation fee and petition copy fee.

I am also requesting issuance and Service of Citation regarding this matter. Please notify Assured Civil Process Agency, 5926 Balcones Dr, Ste. 290, Austin, Texas 78731 for service. They can be contacted by phone at 512-477-2681, by fax at 512-477-6526, or by e-mail at assuredcivilprocessagency@yahoo.com.

If you have any questions or concerns please feel free to contact us at your earliest convenience.

Thank you,



Hailey M. Hanners

Assistant to Jon Michael Smith

CIVIL CASE INFORMATION SHEET 514-335

CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

STYLED Deanna Britt and Clay Britt v. Liberty County Mutual Insurance Company
(e.g., John Smith v. All American Insurance Co., In re Mary Ann Jones, In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Jon Smith</u> Email: <u>Jon@jdmichaelsmith.com</u> Address: <u>3305 Northland Dr.</u> Telephone: <u>(512) 371-1006</u> City/State/Zip: <u>Austin, TX 78731</u> Fax: <u>(512) 476-6485</u> Signature: <u>[Signature]</u> State Bar No: <u>18630750</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Deanna Britt</u> <u>Clay Britt</u> Defendant(s)/Respondent(s): <u>Liberty County Mutual Insurance Company</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input checked="" type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health <input type="checkbox"/> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000									

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

514-335

COURT (FOR CLERK USE ONLY):

STYLED

Deanna Britt and Clay Britt v. Liberty County Mutual Insurance Company
(e.g., John Smith v. All American Insurance Co., In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

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Scanned

 FILED 5:30 PM
 DATE 05/13/2017
 Sarah Loucks
 State Clerk, Bastrop County

Rev 2/13

**CITATION
CAUSE#514-335**

CLERK OF THE COURT

Sarah Loucks, District Clerk
P.O. Box 770
804 Pecan Street
Annex Building, First Floor
Bastrop, TX 78602

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

To: Liberty County Mutual Insurance Company
By and Through Registered Agent,
Corporation Service Company
211 E. 7th Street, Ste. 620
Austin, TX. 78701-3218, Defendant

GREETINGS: You are commanded to appear by filing a written answer to the Petition of Petitioner at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 335th District Court of Texas, at the courthouse in BASTROP, Texas.

A copy of the Petition of the Petitioner accompanies this citation, in cause number 514-335 styled:

DEANNA BRITT and CLAY BRITT
v.
LIBERTY COUNTY MUTUAL INSURANCE COMPANY

filed in said court on the on this the 13th day of April, 2017

Petitioner is represented by:

JON MICHAEL SMITH
3305 NORTHLAND DR., STE. 500
AUSTIN, TX. 78731

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office in Bastrop, Texas,
this the 13th day of April, 2017

Sarah Loucks
District Clerk, Bastrop County
P.O. Box 770
Bastrop, Texas 78602

By:  Deputy

() IF CHECKED, ATTACHED TO THIS CITATION IS DISCOVERY NOT FILED WITH CLERK PURSUANT TO
TRCP 191.4

Cause: 514-335

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

Defendant: Liberty County Mutual Insurance Company
 By and Through Registered Agent,
 Corporation Service Company
 211 E. 7th Street, Ste. 620
 Austin, TX. 78701-3218

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock _____.m.,
 and executed in _____ County, Texas by delivering to each of the within named
 defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the
 accompanying copy of the plaintiff's petition, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____
 Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant

***Rule 107 Verification:** Subscribed and sworn to by the above named _____
 before me this the _____ day of _____, 20____, to certify which witness my hand and seal of
 office.

Person Administering Oath

IN THE 335TH JUDICIAL DISTRICT
BASTROP COUNTY, TEXAS

CAUSE NO: 514-335

DEANNA BRITT AND CLAY BRITT
VS
LIBERTY COUNTY MUTUAL INSURANCE COMPANY

RETURN

Came to my hand: 4/17/2017 , at 04:30 o'clock P.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition
- Jury Demand

and executed by me on: 4/18/2017 , at 1:31 o'clock PM , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS,
by delivering to LIBERTY COUNTY MUTUAL INSURANCE COMPANY, by delivering
to its registered agent, CORPORATION SERVICE COMPANY, by delivering to
SUE VERTICES , employee/managing agent, in person, a true
copy of the above specified documents having first endorsed on such copy the
date of delivery.

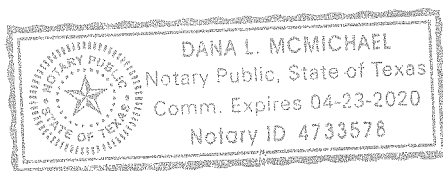
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit,
and I declare under penalty of perjury that the foregoing is true and correct.

George L. Castillo
Authorized Person: George L. Castillo, SCH 1440
Expiration Date: 8/31/2017
ASSURED CIVIL PROCESS AGENCY
5926 Balcones Dr. Ste. 290, Austin, TX 78731

STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person,
known to me to be the person whose name is subscribed to the foregoing document and, being by
me first duly sworn, declared that the statements and facts therein contained are within his/her
personal knowledge and experience to be true and correct. Given under my hand and seal of office
on this the 18th day of APRIL , 2017



Dana L. McMichael
Notary Public

CAUSE NO. 514-335

DEANNA BRITT and CLAY BRITT,	§	IN THE DISTRICT COURT OF
Plaintiffs	§	
	§	
v.	§	BASTROP COUNTY, TEXAS
	§	
LIBERTY COUNTY MUTUAL	§	
INSURANCE COMPANY,	§	
Defendant	§	335th JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER AND VERIFIED DENIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Liberty Mutual Insurance Company and files this Original Answer and Verified Denial to Plaintiffs' Original Petition and for such would respectfully show the Court the following:

I.
GENERAL DENIAL

Pursuant to TEX. R. CIV. P. 92, Defendant denies each and every, all and singular, the allegations set forth in Plaintiffs' Original Petition and demands strict proof thereof by a preponderance of the evidence at the final trial of this case.

II.
VERIFIED DENIAL

Pursuant to the provisions of Rule 93 of the Texas Rules of Civil Procedure, Defendant Liberty County Mutual Insurance Company denies that it is a proper party to this lawsuit on the grounds that it did not issue the relevant insurance policy to Plaintiffs in this case. The insurance policy at issue in this lawsuit was issued by Liberty Insurance Corporation.

WHEREFORE, PREMISES CONSIDERED, Defendant Liberty County Mutual Insurance Company respectfully prays that upon final hearing hereof, Plaintiffs Deanna Britt and Clay Britt take nothing by reason of this action, that Defendant be awarded its costs of court, and for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

HANNA & PLAUT, L.L.P.

211 East Seventh Street, Suite 600

Austin, Texas 78701

Telephone: (512) 472-7700

Facsimile: (512) 472-0205

By: 

David L. Plaut

State Bar No. 16066030

Email: dplaut@hannaplaut.com

J. Todd Key

State Bar No. 24027104

Email: tkey@hannaplaut.com


ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered by e-service and/or facsimile on this 12th day of May, 2017 to:

Via Facsimile (512) 476-6685

Jon Michael Smith
3305 Northland Drive
Suite 500
Austin, Texas 78731
Attorney for Plaintiffs

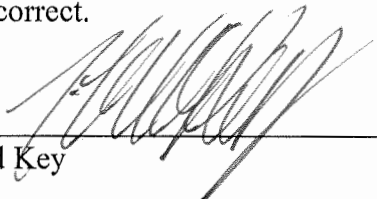


J. Todd Key

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

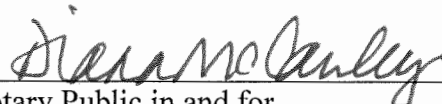
BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared J. Todd Key known to me to be the same person whose name is subscribed hereto, who being first duly sworn in the manner provided by law on oath stated that he is duly qualified to make this affidavit on behalf of Defendant Liberty Mutual Insurance Company in the above-entitled and numbered cause, that he has read Paragraph II of the Original Answer and Verified Denial and the matters stated therein are within his personal knowledge and are true and correct.



J. Todd Key

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 12th day of May, 2017, to certify which witness my hand and official seal of office.





Notary Public in and for
the State of Texas

No. 514-335

DEANNA BRITT and CLAY BRITT,
Plaintiffs

v.

LIBERTY COUNTY MUTUAL
INSURANCE COMPANY and LIBERTY,
INSURANCE CORPORATION,
Defendants

§
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§

IN THE DISTRICT COURT OF

BASTROP COUNTY, TEXAS

335th JUDICIAL DISTRICT

Plaintiffs' First Amended Petition

TO THE HONORABLE COURT:

Deanna Britt and Clay Britt, Plaintiffs, respectfully file this first amended petition complaining of Liberty County Mutual Insurance Company, ("Liberty Mutual") and Liberty Insurance Corporation ("Liberty Insurance") and would show:

I. Discovery Control Plan, Level 2

Pursuant to Texas Rule of Civil Procedure 190.3, this case is governed by Discovery Control Plan, Level 2.

II. Nature of the Case

The Britts' claim arises from the wrongful denial of a homeowners insurance fire claim. Pursuant to Texas Rule of Civil Procedure 47, Plaintiffs state that they seek damages within the jurisdictional limits of this court, specifically monetary relief over \$200,000.00 but not more than \$1,000,000.00.

III. Parties

Plaintiffs are individuals residing in Bastrop County, Texas.

Defendant, Liberty County Mutual Insurance Company, is a domestic insurance company

authorized to do business in Texas that has been served and has filed an answer.

Defendant, Liberty Insurance Corporation is foreign insurance company licensed in the state of Illinois and is doing business in Texas and can be served by and through its agent for service of process, Corporation Service Company, 211 East 7th Street, Suite 620.

IV. Venue

Venue is proper in Bastrop County because all or a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Bastrop County. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1).

V. Conditions Precedent

All conditions precedent to recovery have been met or have occurred.

VI. Facts of the Case

Plaintiffs own the house at 104 Wood Duck Lane, Paige, Texas. They insured it with Liberty Insurance. On or about July 22, 2016, the house was damaged by fire. Plaintiffs submitted the claim in a timely fashion and it was denied by letter dated December 9, 2016.

VII. First Cause of Action: Breach of Contract

Defendants' actions amount to a breach of contract between Plaintiffs and Liberty Insurance. The Britts applied for and were accepted for insurance coverage by Defendant. They paid the required premiums, entering into a binding contract for insurance with Liberty Insurance. Liberty Insurance breached the contract by denying Plaintiffs' claim for insurance

coverage. Plaintiffs are entitled to recover their actual damages, court costs and reasonable and necessary attorney's fees pursuant to Texas Civil Practice & Remedies Code, Section 38.001, et seq.

VIII. Second Cause of Action: Texas Insurance Code Sections 542.051-061

Defendants' actions also amount to a violation of Texas Insurance Code, Sections 542.051-061. As such, Plaintiffs are entitled to 18% per annum in addition to the amount of their claim, plus attorneys' fees.

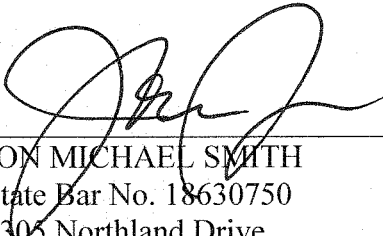
IX. Jury Demand

Plaintiffs have requested that this case be decided by a jury as allowed by Tex. R. Civ. P. 216. The appropriate jury fee has been paid.

X. Prayer

Plaintiffs prays that upon final trial of this case they have judgment against Defendant for actual damages, reasonable and necessary attorney's fees, pre-judgment and post-judgment interest, and such other relief to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,



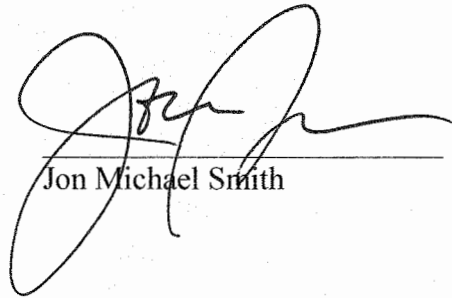
JON MICHAEL SMITH
State Bar No. 18630750
3305 Northland Drive
Suite 500
Austin, Texas 78731
512/371-1006
512/476-6685 fax
Email: Jon@jonmichaelsmith.com

CERTIFICATE OF SERVICE

I, Jon Michael Smith, do hereby certify that a true and correct copy of the foregoing document was delivered to all attorneys of record as listed below on May 15, 2017.

David L. Plaut
J. Todd Key
Hanna & Plaut, L.L.P.
211 East Seventh Street, Suite 600
Austin, Texas 78701

Via Fax: 512-472-0205



Jon Michael Smith